

Notice of Allowability

Application No.

10/069,215

Applicant(s)

THOM ET AL.

Examiner

Sudhaker B. Patel, D.Sc.Tech.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to 9/22/04.

☒ The allowed claim(s) is/are 1,5-8 and 11.

☐ The drawings filed on _____ are accepted by the Examiner.

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☒ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/22/03 & 9/22/04

☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/8/04.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/04 has been entered.
3. Together with their earlier amendments, applicants have cancelled claims 2-4,9,10, and amended claims 1,6-8,11. Therefore, the claims under consideration are the claims 1,5-8,11, which are renumbered as claims 1-6 respectively.
4. Applicants' above stated cancellation of claims, and amendments to claims 1, 6-8,11 are sufficient for the withdrawal of rejections made under 35 U.S.C. 112 paragraph second. Therefore these rejections are now withdrawn.
5. Applicants cancellation of claims 2-4, 9,10, amendments to claims 1, 6-8,11, and their remarks and arguments have been considered favorably, and found persuasive for the withdrawal of rejections made under 35 U.S.C. 112 paragraph one. Therefore, these rejections are also withdrawn.
6. The closest prior art of record ref. Inbana et al (JP 10259176, also cited as Chemical abstract DN 129:310895) teaches the compounds with a core: "Substituted heterocycle-CO-NH-Pipiperidine-CH₂-Phenyl"
7. The ref. '176 differs by having Benzoxazinone as a heterocycle with co group in 3-position. which is a heterocycle with N and O as heteroatoms and also has a 1,4-benzoxazine by other heterocycle or non-heterocycle (e.g. phenyl) CO group in 3-position.
8. The other art ref. Takasugi et al (WO 9313083, also cited as Chemical abstract DN 120:30773) teaches the compounds with a core: " Heterocycle Substituted 1,2,4-oxadiazole-CO-NH-Pipiperidine-CH₂-Phenyl"
9. The ref. '083 differs by having azabicyclo ring instead of instant pyridine. .
10. The above stated references either alone or in combination do not indicate or suggest at arriving the instant invention.
11. Therefore, the instant invention of Group II and Example 365 of Formula (I) with values of variables as: X₁, X₂, X₃, X₄ and Z = -CH₂- i.e. piperidine N-CH₂- core;
R₆ = Optionally substituted phenyl-;
R₁ = 1,2,4-oxadiazole substituted by a pyridine ring at 3-position; 3-14 membered saturated or unsaturated ring system which consists of upto 4-ring heteroatoms independently selected from O,N,S, and the ring is optionally substituted;
m = zero;

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n =2;
T = -CO-NH-,
is deemed to be novel and patentably distinct.

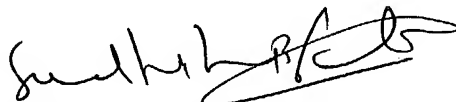
11A. Signed copies of PTO 1449 form for IDS papers submitted on 1/22/03 & 9/22/04 are enclosed with this communication for applicants' records.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

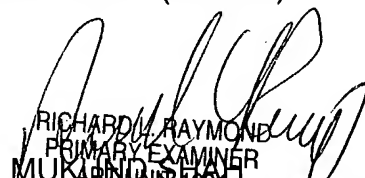
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhaker B. Patel, D.Sc.Tech. whose telephone number is (571) 272-0671.

14. The examiner can normally be reached on 6:30 to 5:00 pm (Monday-Thursday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mukund J. Shah can be reached on (571) 272 0674 or Sr. Examiner Mr. Richard Raymond at (571) 272 0673 or Mr. James Wilson at (571) 272-0661.

15. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 4556 for regular communications and 703 308 4556 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1235. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sudhaker B. Patel, D.Sc. Tech.
December 13, 2004



RICHARD RAYMOND
PRIMARY EXAMINER
MUKUND J. SHAH
SUPERVISORY PATENT
EXAMINER
ART UNIT 1624/1623

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with ATTY. Dr. J.Fraser on 6/8/04.

The application has been amended as follows:

(.). Please amend the specification in page 1 line 3 as: "This application is a 371 of PCT/GB00/3179 filed 8/18/2000, which claims benefit of Sweden 9902987-8 filed 8/24/1999".


SBP/12/13/2004.